

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

FADHA UZALDIN

Debtor

Chapter 13

Case No. 08-16083-RGM

MOTION TO MODIFY CHAPTER 13 PLAN,
NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to modify your Chapter 13 Plan. The cause for this motion is as follows:

Debtor has not provided Trustee with his 2010 or 2011 income tax returns. Instead, Trustee obtained a copy of Debtor's 2010 income tax returns from one of his creditors. Trustee still does not have a copy of Debtor's 2011 income tax returns.

Debtor most recently amended his Schedule I and J on February 23, 2010 when he filed an Amended Chapter 13 Plan. On that Schedule I, Debtor claims his monthly gross income is only \$5,000.00 per month. On the contrary, Debtor's 2010 tax returns show that he earned \$204,517.00 in foreign earned income that year, which is over three times greater than the amount disclosed on Schedule I.

Accordingly, Trustee contends that Debtor's monthly Plan payments should be increased from \$1,014.00 a month to \$11,193.41¹ a month starting with the January 2010 payment, for the remaining life of Debtor's Plan.

¹ This figure is calculated as follows: \$204,517.00 gross 2010 income / 12 months = \$17,043.08 in monthly gross income - \$2,914.67/mo. in taxes (monthly average of \$21,139.00 federal, \$6,622.00 Social Security, \$2,996.00 Medicare, and \$4,219 state) - \$2,935.00/mo. in Schedule J expenses = \$11,193.41/mo. in modified Plan payments.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, the on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on June 13, 2012 at 9:30 a.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing. A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: May 8, 2012

/s/ Thomas P. Gorman

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice and Motion To Modify Chapter 13 Plan

Fadha Uzaldin, Case # 08-16083-RGM

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of May, 2012, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Modify Chapter 13 Plan, Notice of Motion and Notice of Hearing to the following parties.

Fadha Uzaldin
Chapter 13 Debtor
1592 Leeds Castle Drive, Apt. 102
Vienna, VA 22182

Richard G. Hall, Esq.
Attorney for Debtor
7369 McWhorter Place
Ste. 412
Annandale, VA 22003

____/s/ Thomas P. Gorman_____
Thomas P. Gorman